

# A Guide to North Carolina Bicycle and Pedestrian Laws

**PART -1**



**Guidebook on  
General Statutes,  
Ordinances,  
and Resources**



North Carolina Department  
of Transportation  
Division of Bicycle &  
Pedestrian Transportation

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*Laws are subject to change by the  
North Carolina General Assembly.  
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of Transportation  
Division of Bicycle &  
Pedestrian Transportation

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Produced by the Institute for Transportation Research and Education at North Carolina State University for the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation.

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## The Purpose of this Guide

Bicyclists and pedestrians are a growing part of the transportation equation in North Carolina as citizens are encouraged to adopt a more active lifestyle. Many communities are working to make their neighborhoods and downtowns more hospitable to both cyclists and walkers. But these positive changes are happening at the same time that more people are driving more miles in their motor vehicles; thus, the chances of clashes and crashes with motor vehicles increases for those walking and bicycling.

*The Purpose of  
this Guide*

This guide—intended for use by educators, law enforcement officials, planners, and citizens—serves as a valuable tool and reference document for education and enforcement of bicycle and pedestrian laws. The first section discusses laws affecting bicyclists, all centering around the legal premise that bicycles are vehicles and must behave predictably while following the law's prescription for vehicles. The next section focuses on laws affecting pedestrians. In North Carolina pedestrians have the right of way at all intersections and driveways but must yield to motorists when crossing at any place other than a marked crosswalk. A separate section highlights motorists' responsibilities in interactions with bicyclists and pedestrians.

This guide also looks at issues that the state law does not address and discusses how local ordinances might vary. Another section references North Carolina's contributory negligence law and how to find more information about its implications for bicyclists and pedestrians. Finally, the last section contains the actual wording of the definitions and North Carolina General Statutes that apply to bicyclists and pedestrians.

It's important to note that accurate interpretation of the law requires studying the case law, not just the wording of the statutes. A link to the General Statutes Web site <http://www.ncleg.net/gascripts/statutes/statutestoc.pl> is provided as a convenience for those who wish to explore the statutes in more detail.



Relevant case law is cited at the end of each statute on the Web site. The search function on the General Statutes opening screen can locate specific statutes by number and topic.

More information on laws and policies affecting bicyclists and pedestrians can also be found on the Division of Bicycle and Pedestrian Transportation Web site: <http://www.ncdot.org/transit/bicycle>.

With proper education of bicyclists, pedestrians, and motorists combined with judicious enforcement, we can work to reduce the conflicts with motorists and reduce the injuries and deaths that result from crashes with motor vehicles.

## Bicyclists and the Law

Organized by topic, this section discusses North Carolina laws affecting bicycles and their operators. In this section, the number of the General Statute is shown at the end of each discussion. For the specific wording of the law, please refer to the sections called General Statutes (shown in numeric order) in this guide that relate to bicycles: North Carolina Statutes Related to Bicycles on page 33 and North Carolina Statutes Related to Both Bicyclists and Pedestrians on page 63.

Bicyclists  
and the Law

It is important to note that North Carolina law defines a bicycle as a vehicle with all the rights and responsibilities that are applicable. [§20-4.01 (49)] Thus, every law that refers to “vehicle” can apply to a bicycle. The term “driver” or “operator” in the statutes also applies to bicyclists. Please see the *Definitions* section under General Statutes on page 27 for the legal meanings of relevant terms that are considered part of the law.

### The Bicycle and the Operator: Equipment Required

#### Bicycle Helmets and Seats

Bicyclists and bicycle passengers under the age of 16 must wear approved protective safety helmets that are securely fastened to their head using straps, while riding on public roads, bicycle paths, and other public rights-of-way. Given the proven safety benefits of helmet use, all bicyclists are strongly advised to wear a properly fitted and fastened helmet. [§20-171.7(b)]

Passengers that weigh less than 40 pounds or are less than 40 inches in height must be seated in a separate restraining seat and must be able to maintain an erect seated position. Other passengers under the age of 16 must be seated on saddle seats (as on a tandem bicycle). [§20-171.7(b)]

The parent or legal guardian of a child under the age of 16 cannot knowingly permit a child to break these helmet and seat laws.





The penalty for violation of this law is a civil fine of up to ten dollars. However, the court may waive the fine if the person responsible provides proof that an appropriate helmet or seat has been purchased and is being used as required. [§20-171.9(e)].

## **Bicycle Lights**

For riding after dark, every bicycle must be equipped with proper lighting equipment:

Front - a lighted lamp that is visible from a distance of at least 300 feet.

Rear - a red reflex mirror or lamp that is visible from a distance of at least 200 feet. [§20-129(e)]

Lights are required during the period from sunset to sunrise and when there is insufficient light to see clearly a person on the highway 400 feet ahead. [§20-129(a)] *However, no matter how well equipped bicyclists might be using lights, reflectors, reflector vest, and flashing LED lights, they should always use extreme caution while riding at night and only do so when necessary.*

## **The Bicycle and the Operator: Bicyclist Behavior**

### **Riding on the Right**

When riding on a roadway, a bicyclist must ride in the same direction as other traffic. Also, the bicyclist must travel in the right-hand lane and should ride as close as practicable to the right-hand edge of the highway. [§20-146(a)] Exceptions to this law are provided when the bicyclist is making these maneuvers:

- Passing another vehicle moving in the same direction [§20-146(a)(1)]
- Avoiding a dangerous obstruction [§20-146(a)(2)]
- Riding on a one-way street [§20-146(a)(4)]
- Preparing for a left turn. [§20-146(e)]

Bicyclists are not required to ride on adjacent bicycle paths.

### **Impaired Driving**

A bicycle is not considered a vehicle for purposes of impaired driving. [§20-138.1(e)] *However, bicyclists should not mix drinking and bicycling. According to "Traffic Safety Facts 2000," U.S. Department of Transportation, alcohol involvement was reported in more than one-third of bicycle fatalities in the year 2000.*

## **Reckless Operation**

Bicyclists can be guilty of reckless driving if they operate their bicycles on a highway or public vehicular area - which is defined in §20-4.01(32) - with wanton disregard for the rights and safety of others. Reckless driving also includes riding without due caution and at a speed that can endanger people and their property. [§20-140(b)]

## **Stopping on the Highway or Bridge**

As with other vehicle operators, bicyclists should not park or leave any bicycles on the paved or main-traveled portion of a highway or bridge outside municipal corporate limits. If a bicycle is left for more than 48 hours, it will be assumed that a law enforcement officer has been designated to remove the vehicle to safe storage, and the officer is considered the legal possessor under the law. [§20-161)]

## **Parking in Restricted Areas**

The law does not allow attended or unattended vehicles to park in these restricted areas:

- On a street or highway in front of a private driveway
- Within 15 feet in either direction of a fire hydrant or entrance to a fire station
- Within 25 feet from the intersection of a curbed street or within 15 feet of the intersection of property lines on a street without curbs. Local authorities may pass an ordinance decreasing this distance.
- Any public vehicular area that has been designated as a fire lane, including shopping centers and mall parking lots; however, temporary loading and unloading is allowed as long as the vehicle is attended.

Law enforcement officials may remove any vehicles found in violation and may not be considered criminally liable unless there is wanton misconduct or intentional wrongdoing. [§20-162]

## **Bicycle Racing**

In North Carolina, bicycle racing on highways is unlawful EXCEPT when a racing event has been approved by the respective state and/or local



authorities. The race must be planned in a way to assure reasonable safety for all race participants, spectators, and other highway users and must prevent unreasonable interference with traffic flow that would seriously inconvenience other highway users. If the approving authorities concur, race participants may be exempt from traffic laws that would otherwise apply. [§20-171.2]

For more information on bicycle racing in North Carolina, visit the Division of Bicycle and Pedestrian Transportation Web site: [http://www.ncdot.org/transit/bicycle/events/events\\_racing.html](http://www.ncdot.org/transit/bicycle/events/events_racing.html).

## **Bicycles and Facilities**

### **Signs and Signals**

Bicyclists must obey all traffic signs and signals - they are not exempt because they are operating a non-motorized vehicle, except as noted under Bicycle Racing above. [§20-158]

Stop Signs - Bicyclists must come to a complete stop and yield the right-of-way at a stop sign before proceeding. [§20-158(b)(1) and (c)(1)]

Red Lights - Bicyclists must stop when facing a steady or flashing red light. After stopping, they may turn right on red, where permitted, as long as they yield the right-of-way to other vehicles and pedestrians. After stopping at a flashing red light, they may proceed, after yielding the right-of-way to approaching vehicles. [§20-158(b)(2), (c)(2), and (c)(3)]

If a bicyclist has to stop for a sign or signal, he should stop at the stop bar marked in the street or before entering a marked crosswalk or before the intersection with the nearest street. [§20-158(b)(5)]

Yellow Lights - Bicyclists facing a yellow light, which means the light will be turning red, should stop if possible or, if not, may proceed with caution and all due haste through the intersection. If the yellow light is flashing, bicyclists should proceed with caution through the intersection. [§20-158(b)(2), (c)(2), and (c)(4)]

Green Lights - Bicyclists may proceed with due care through the intersection. [§20-158(b)(2)]

Railroads - Bicyclists are prohibited from riding through, around or under a railroad gate or barrier that is closed or being opened. [§20-142.1]

Other Signs and Signals - Bicyclists must obey all other traffic control signs and signals such as one-way street, road closed, and yield signs. [§20-158]

### **One-Way Streets**

Bicyclists must ride in the indicated direction of traffic. [§20-165.1]

## **Interactions with Others**

### **Signaling and Turning**

Before turning, a bicyclist should make certain that the movement can be made safely.[§20-154(a)] When making a right-hand turn, a bicyclist should be as close to the far right edge of the roadway as practicable. When making a left turn, a bicyclist should use the left-most lane position (including a dedicated left-turn lane if one is available) before and after the turn is made, and yield to vehicles that are approaching from the opposite direction. [§20-153] A bicyclist also has the option to dismount the bicycle and cross an intersection as a pedestrian, using the crosswalk.

Bicyclists must signal their intention to turn by using electrical, mechanical, or manual (arm and hand) signals for left and right turns, and stopping. The signals must begin at least 100 feet before the turn or stop, and continue throughout the turn. Bicyclists must also give a clearly audible signal to any pedestrians that may be affected by the turning or stopping movement. Manual signals must be given using the left arm as follows:

Left turn - hand and arm horizontal, forefinger pointing. [§20-154(b)]

Right turn - hand and arm pointed upward at a ninety-degree angle. [§20-154(b)]

Stop - hand and arm pointed downward at a ninety-degree angle. [§20-154(b)]



## **Yielding Right-of-Way to Vehicles**

Bicyclists must yield the right-of-way to other vehicles in these situations:

- To the vehicle on their right when two vehicles approach an unsignalized intersection at the same time. [§20-155(a)]
- To vehicles coming from the opposite direction when making a left turn onto a road, alley or driveway. [§20-155(b)]
- To vehicles on a main road when entering from a side street, driveway, building entrance, and private road. [§20-156(a)]
- To emergency vehicles when sirens or lights are turned on. [§20-156(b)]

Bicyclists must also yield the right-of-way before entering or crossing a road when the road they are traveling upon is posted with a “yield right-of-way” sign. [§20-158(b)(1)]

## **Yielding Right-of-Way to Pedestrians**

Bicyclists must yield the right-of-way and avoid colliding with pedestrians who are walking on a roadway, sidewalk, walkway, or in a crosswalk. Bicyclists should exercise caution when exiting a driveway or alley to watch for and yield to pedestrians. Pedestrians have the right-of-way while in a marked or unmarked crosswalk at an intersection that does not have a traffic signal.

Also, bicyclists should not pass a vehicle that is stopped at a crosswalk to permit a pedestrian to cross the highway. [§20-173 and §20-174]

## **Passing Another Vehicle**

When passing another vehicle going in the same direction, bicyclists must pass to the left at least two feet away from the vehicle or bicycle. They must return to the right side of the roadway once the vehicle or bicycle has been safely passed. [§20-149(a)]

Passing on the left is not permitted in the following conditions:

- The left side is not clearly visible and free from oncoming traffic for a distance that is sufficient to pass [§20-150(a)]

- The passing occurs left of the center on the crest of a hill or on a curve where there is less than 500 feet of visibility [§20-150(b)]
- The passing occurs at any railroad grade crossing or highway intersection unless permitted to do so by a traffic or police officer. [§20-150(c)]
- Where Department of Transportation signs or markings indicate “no passing,” such as a double yellow line. [§20-150(d) and (e)]

### **Passing on the Right**

Passing on the right is permitted only if these conditions are met:

- The vehicle being overtaken is in a designated left-hand turn lane
- The street has two or more unobstructed lanes in each direction that are not occupied by parked cars
- The street has two or more travel lanes not occupied by parked vehicles
- The vehicle is in a designated right turn lane. [§20-150.1]

### **Being Passed**

A bicyclist cannot take actions to prevent another vehicle from lawfully passing. For example, the vehicle being passed must give way to the right when given an audible signal, and may not increase their speed until they are completely passed. [§20-149]

### **Crashes**

The operator of any vehicle who is aware or should be aware of a crash involving his vehicle that has resulted in injury or death to any person or in any property damage must immediately stop and remain at the crash scene until law-enforcement officials arrive. The operator may leave the scene of the crime to contact a law enforcement officer but must immediately return. The operator causing the crash must provide his name, address, driver's license number and the license plate number of his vehicle, where applicable, to the other person(s) involved in the crash or whose property was damaged.



If the property or vehicle owner is not present at the time of the crash—such as a crash involving a parked car or business sign—the operator of the responsible vehicle must provide the necessary information to the nearest peace officer. As an alternative the responsible operator can leave the information on a piece of paper in a conspicuous place in or on the damaged property within 48 hours of the crash. [§20-166]

### **Reporting a Crash**

A crash involving a motor vehicle must be reported to law enforcement if the crash results in death or injury of a human being, or total property damage of one thousand dollars (\$1,000) or more. [§20-4.01 (33b)]

The operator of a vehicle involved in a reportable crash must immediately notify the appropriate law enforcement agency by the quickest means of communication. In a city or town, the appropriate agency is the police department. Outside a municipality, the appropriate agency is the North Carolina Highway Patrol, the county sheriff's office, or other qualified rural police of the county where the crash occurred. [§20-166.1]

### **“Good Samaritan” Law**

Any person who renders first aid or emergency assistance at the scene of a motor vehicle crash cannot be liable in civil action for their acts or omissions unless there was wanton conduct or intentional wrongdoing. [§20-166(d)]